

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1514

Introduced by Assembly Member Maze

February 23, 2007

An act to add Section 739.5 to the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL’S DIGEST

AB 1514, as amended, Maze. Juveniles: psychotropic medication.

Existing law authorizes only a juvenile court judicial officer to make orders regarding the administration of psychotropic medications for a dependent child who has been removed from the physical custody of his or her parent.

This bill, likewise, would provide, with respect to a ward of the court *who has been placed in foster care*, that only a juvenile court judicial officer is authorized to make orders regarding the administration of psychotropic medications.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 739.5 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 739.5. (a) If a minor *who* is adjudged a ward of the court under
- 4 ~~Section 602 and the minor 601 or 602~~ has been removed from the
- 5 physical custody of the parent under Section 726; *and has been*
- 6 *placed into foster care as defined in Section 727.4*, only a juvenile

1 court judicial officer shall have authority to make orders regarding
2 the administration of psychotropic medications for that minor. The
3 juvenile court may issue a specific order delegating this authority
4 to a parent upon making findings on the record that the parent
5 poses no danger to the minor and has the capacity to authorize
6 psychotropic medications. Court authorization for the
7 administration of psychotropic medication shall be based on a
8 request from a physician, indicating the reasons for the request, a
9 description of the minor's diagnosis and behavior, the expected
10 results of the medication, and a description of any side effects of
11 the medication. On or before July 1, 2008, the Judicial Council
12 shall adopt rules of court and develop appropriate forms for
13 implementation of this section.

14 (b) (1) In counties in which the county child welfare agency
15 completes the request for authorization for the administration of
16 psychotropic medication, the agency is encouraged to complete
17 the request within three business days of receipt from the physician
18 of the information necessary to fully complete the request.

19 (2) Nothing in this subdivision is intended to change current
20 local practice or local court rules with respect to the preparation
21 and submission of requests for authorization for the administration
22 of psychotropic medication.

23 (c) Within seven court days from receipt by the court of a
24 completed request, the juvenile court judicial officer shall either
25 approve or deny in writing a request for authorization for the
26 administration of psychotropic medication to the minor, or shall,
27 upon a request by the parent, the legal guardian, or the minor's
28 attorney, or upon its own motion, set the matter for hearing.

29 (d) Psychotropic medication or psychotropic drugs are those
30 medications administered for the purpose of affecting the central
31 nervous system to treat psychiatric disorders or illnesses. These
32 medications include, but are not limited to, anxiolytic agents,
33 antidepressants, mood stabilizers, antipsychotic medications,
34 anti-Parkinson agents, hypnotics, medications for dementia, and
35 psychostimulants.

36 (e) Nothing in this section is intended to supersede local court
37 rules regarding a minor's right to participate in mental health
38 decisions.

O